

REMARKS

The Examiner has provisionally rejected Claims 20-50 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1, 3-10 and 12-17 of US Patent Application No. 09/533,261. Applicant has submitted herewith a terminal disclaimer to overcome such rejection.

The Examiner has provisionally rejected Claims 20-50 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 20-46 of US Patent Application No. 10/458,768. Applicant has submitted herewith a terminal disclaimer to overcome such rejection.

The Examiner has rejected Claims 20-50 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-25 of U.S. Patent No. 6,615,262. Applicant has submitted herewith a terminal disclaimer to overcome such rejection.

The Examiner has rejected Claims 30-39 under 35 U.S.C. 101 as being directed toward non-statutory subject matter. Applicant has clarified base Claim 30 to read "A computer program product embodied on a computer readable medium, which when executed by a computer causes the computer to perform a method for policy-based billing for a distributed network session" in order to overcome such rejection.

The Examiner is thanked for the allowable subject matter, and respectfully asserts that Claims 20-29 and 40-50 are deemed allowable by virtue of the terminal disclaimers and clarifications made hereinabove to such respective claims.

In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at (408) 505-5100. The Commissioner is hereby authorized to charge any fees that may be due or credit any overpayment to Deposit Account No. 50-1351 (Order No. XACTP015B).

Respectfully submitted,

Kevin J. Zilka
Registration No. 41,429

P.O. Box 721120
San Jose, CA 95172-1120
408-505-5100